

Town of Hampton



*Department of Resources and
Economic Development*



**Hampton Beach Area Commission
100 Winnacunnet Road
Hampton, New Hampshire 03842
Hampton Police Station – 2nd Floor Training Room
7 PM**

February 24, 2011

MINUTES

In Attendance:

John Nyhan, Chairman, Town of Hampton
Fran McMahon- Rockingham Planning Commission
Bob Preston- Hampton Chamber of Commerce
Deputy Richard Sawyer, Citizen at Large
Rick Griffin, Town Selectman
Michael Housman, Operations Supervisor, DRED (Seacoast Parks/Recreation)
Bill Watson, Vice Chairman / NH Department of Transportation
Geannina Guzman-Scanlan- Hampton Beach Village District

Absent:

Michael Roy, Village District

Other:

Laurie Olivier- Secretary

1. Introduction of Commissioners

Mr. Nyhan introduced the members of the Commission.

2. Review & approval of 11/18/10 and 01/27/11 Minutes

On Page 2, Where she discusses 4 questions add "answering all four questions on the underlying survey". **On Page 5 "she \$12,500 is allocated..."the elected project will not work"**
- (add)—John, I need Geannina's verbage she wants me to add in there...THANKS!

MOTION by to approve by Mr. Watson to approve the November 18, 2010 Minutes.

SECOND by Deputy Sawyer.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. McMahon to approve the January 27, 2011 Minutes.

SECOND by Deputy Sawyer.

VOTE: 6 – 0 – 1 Ms. Guzman-Scanlan abstained. MOTION PASSED.

3. Appointments –

a) RSA 79E Discussion – Hampton Town Attorney Mark Gearreald

Mr. Nyhan asked the Commission to invite a Town official to explain the above RSA. Attorney Gearreald discussed the Amendments and adoption of the Chapter by vote of the Town meeting in Article 31, with he noted the voting date of March 8th. Attorney Gearreald stated RSA 79E has been around since 2006 and has been amended twice. It allows the Town (if adopted) to give a tax break for the revitalization for replacement of existing structures. The difference in value that results from the upgrades would not be taxed. If Selectmen find there is a public benefit, there would be a covenant recorded at the Registry of Deeds. It could have a great benefit to having a building in a downtown center being revitalized or replaced. There are a couple of holes in statute. It only applies to existing buildings.

Attorney Gearreald gave out literature describing qualifying structures. The building would be valued as they existed prior to destruction. The increased value would not get taxed for up to five years.

Senate Bill 97, would have retroactive benefits to cover Town meetings. This passed the Senate. There was literature given by Attorney Gearreald to the Commissioners.

Article 31, to be voted on, works hand in hand with the Senate Bill. It would modify the law to cover structures that were destroyed by fire or acts of nature.

Mr. McMahon asked how acts of nature is defined and Attorney Gearreald stated it's too lengthy to read and discuss. It would not be offered to someone who did damage to property purposely. Senator Stiles has reserved a spot for this Bill.

Mr. Sawyer asked about enabling legislation. Attorney Gearreald stated this is unique. Mr. Sawyer asked about Article 31 – dealing with fire and acts of nature. He asked if it is safe for that warrant or adopt legislation and modify it. Attorney Gearreald stated that the Town could probably do it either way. Mr. Sawyer asked about the governing body; if it is the Board Of Selectmen or can it be up to Town. Attorney Gearreald stated the administrator could be changed. The governing body now in the Town is the Board Of Selectmen.

Ms. Guzman-Scanlan asked about demonstrated public benefit and who determines it. Mr. Gearreald said Selectmen would determine that. RSA 79E-7 explains it, Attorney Gearreald stated. Ms. Guzman-Scanlan asked about residential housing. She asked about tax relief for up to five years, then add residential units and up to 4 more if affordable housing. Attorney Gearreald explained that it does not have to be residential. Qualifications were discussed.

Ms. Guzman-Scanlan asked about the tax increment in Section 79E-2a. Ms. Guzman Scanlan wanted to know more detail about it. Attorney Gearreald discussed the tax increment financing. It enables legislation that the Town would adopt. Ms. Guzman-Scanlan wants clarity on the proposal. Attorney Gearreald said she should look at 79E-4(vi)--Municipalities tax relief which is included in that section.

Mr. Nyhan asked about the financial impact. He asked if there is any negative financial impact. He asked about this being a waiver of taxes in any way, to which Attorney Gearreald stated “no”. Taxing is the difference of the old building and the newer building's value.

Ms. Guzman-Scanlan asked about 79E-7-enhancing economic vitality. Attorney Gearreald stated it refers to village centers also. Ms. Guzman-Scanlan stated it only mentions “downtown”. She asked if it would preclude any other areas. She asked if the Board of Selectmen have the ability to change the language. Attorney Gearreald stated all areas in the document are included.

Mr. Nyhan stated it's been a year since the fire. He discussed programs that businesses could take advantage of. 79E became a possible solution to assist business owners. He encourages 79E. This was not just meant for the Beach area and A-block, but for all districts. Helping business owners was discussed. He believes the Town should take advantage of this program. Economic development initiative is what he believes this is.

MOTION by Mr. Nyhan to go on record that the HBAC endorses Article 31 in the Town of Hampton, 2011 – set of Warrants.

SECOND by Mr. Preston.

VOTE: 7 – 0 – 2 (Mr. Watson & Mr. Housman abstained) MOTION PASSED.

Ms. Guzman Scanlan discussed construction starting within the duration of the year after the fire. She questioned it being almost a year and how would it affect people on A block. She was looking at 79E, 79E8, dealing with restoration. Attorney Gearreald stated it was taken care of and read where this was covered. Ms. Guzman-Scanlan asked about disqualification of properties. She then asked about J-K block being covered. She asked about the limitation of one year.

Attorney. Gearreald stated the packet can be put in lobby.

4. Public comment

5. Old Business

A. Beach Redevelopment Project updates (Housman)

Mr. Housman discussed that on February 15, 2011, Executive Councilor Sununu appeared. There was a tour of the facility. Construction is 56 percent complete. The seawall has been completed. Both pavilions and seashell are being worked on. The parking areas north and south of the complex will be impacted this spring. They are working on the central parking area. Parking north of the seashell complex will be under construction through June. Moving pedestrians was discussed. Mr. Housman is working on staff operations profile and he should have it for the March meeting. More deadlines will be known in March. The temporary stage proposal has been accepted. Certificates of Occupancy for the bathhouses were discussed. It should be at or around March 1st. He sees good progress and is staying in good communications with everyone.

Mr. Nyhan discussed the temporary stage. There is a meeting scheduled for March 8th with a task group that was put together which comprises members of the Chamber of Commerce, the Precinct and the Beach Commission, along with Tom Mansfield. Financial strategies and sponsorships will be discussed. Money in budget was discussed. He stated he wants to seek sponsors to help cover the costs. He will have more to report at the March meeting. The meeting will be probably at 11:00 a.m.

Mr. Nyhan discussed the State and DRED, along with the HBAC Commission to be full participants on the planning of the grand opening of Hampton Beach State Park. We will be coordinating with the Chamber and DRED. He stated the HBAC will be proud to be a part of that committee. It may be in 2011 or 2012.

Deputy Sawyer discussed scheduling of parking lots and public safety and busy times in the summer. Mr. Housman stated he will be the contact for Mr. Sawyer.

Mr. Guzman-Scanlan asked about the proposal and the amount of \$30,000. Mr. Housman said the amount is around \$30,000-\$35,000. Ms. Guzman-Scanlan asked about \$15,000 and sponsorships. Mr. Nyhan discussed the estimated budget, the cost of stage and tent and additional costs. Mr. Nyhan stated it was about \$30,000.00 and that \$15,000 is from DRED; \$15,000.00 is from the Precinct. Ms. Guzman-Scanlan stated the first monies will go toward the \$15,000.00. She asked for clarification before the voters vote. Mr. Nyhan asked if that is the exact wording of Article.

Mr. Preston stated when the stage group got together they discussed the overrun. Recouping money was discussed by Ms. Guzman-Scanlan. Mr. Nyhan stated that we don't know until we get closer to summer, when it will be determined what the costs will be. Looking at a proposed budget was discussed. He stated if it went over \$30,000, we would cover costs through sponsorships. We wouldn't stop at overage. Raising as much money as possible was discussed. There is no promise to the Precinct that all sponsorship money would go back to the Precinct. Mr. Preston stated that Mr. Nyhan's description is correct. Ms. Guzman-Scanlan said she was not clear on that and she was not at the actual committee meeting. She feels there is a gap of what she understands. It's going to be critical to be clear as to when or how any of that money will be recouped. Mr. Nyhan asked Ms. Guzman-Scanlan to bring back the discussion to the Precinct and he will be happy to go to the Precinct meeting and they will share again what the thoughts are on the matter.

Mr. McMahon asked about the two bath houses in March. He asked about Easter weekend and school vacation time and warm weather. Mr. Housman stated the April time frame. He does not want to back track and he will know more later. Deputy Sawyer asked Mike Housman if they are not open for Easter, he asked about supplying porta potties and Mr. Housman stated it is open for discussion. Mr. Nyhan asked about our meeting in March and if there would be a good if at that time there would be a clear understanding on bath houses by Mr. Housman. Mr. Housman stated "yes". Mr. Nyhan asked if by mid-March Harvey Construction will be in a position to discuss whether the north and south pavilions will be open in the summer, to which Mr. Housman stated "yes".

Mr. Housman stated the amount of "hits" on its website. Mr. Nyhan stated Mr. Housman is doing a good job keeping community up to date with weekly reports.

(1) Temporary Stage Task Group Update (Nyhan)

B. Beach Project/NH Arts Council updates (Guzman-Scanlon)

The meeting was held on the 17th of February to look at the proposals that were submitted. She doesn't know where we are at with the final selection. Mr. Housman stated there were 22 submissions from 16 artists. He stated by mid-March they will know more.

C. Scenic Byways Application Status

Mr. Nyhan stated unfortunately we will not be going forward with that this year. It's not dead in the water, but it's close to it. He had a meeting with DRED and the Division of Tourism to see if they will partner with us. He had the meeting with the Director of Tourism and he was told they would take it into serious consideration, but three weeks ago, he received a formal email from DRED indicating that at this point they feel creating a visitor's station, 4th component at south beach, was not necessarily in their plans going forward until they identify what visitor

services would be provided at the main complex. Mr. Nyhan had on 3 occasions conversations with Senator Stiles and she gives him a bit of hope.

Mr. Watson discussed funding and Congress and budget changes. Getting support was discussed also. Mr. Nyhan stated that he would like the Commission to still think about other ideas.

D. Ocean Blvd Reconstruction Project

Mr. Nyhan stated that we are making progress. He met with Town officials to see what issues the Town would be interested in working on. He met with Fred Welch and John Price about drainage and sidewalks. Mike Roy, who is on school vacation this week, will be working on this project when he returns. Before the DOT grant process starts, we need to get some things in place before going to the formal application process. One is working with the DOT and the Town with regard to sidewalk ownership and then with Town and DES around drainage issues and permitting for drains. Along with Senator Stiles, Mr. Nyhan met with the Commissioner of the DES, and he was receptive to becoming a partner. He instructed his two senior staff members to get working on this asap. Meeting about drainage should be set up before going forward with the grant application process.

The sidewalk issue needs to be resolved, but he's doing one piece at a time. On March 9th, there is a meeting set up in Hampton. It will be between the Town officials and the DES to discuss how to move forward with the grant application.

Mr. Griffin asked about the time of the meeting and it was stated that it should be at Police Training room and that no time is established yet. It is on a Wednesday. Mr. Nyhan stated there will be 12-16 people arriving.

E. Any other Old Business – Commissioner Project Reports

Mr. Watson discussed the Rockingham Planning Commission to solicit ideas for larger scale capital projects. He has had conversations with Cliff Sinnott and others. Budgets were discussed. There is a lot activity in the Legislature. Surcharges were discussed. Cutting the budget was discussed also. Closing rest areas was discussed. He asked for consideration for a 10-year plan and consider sustainable revenue as it relates to capital projects and operating budgets and keeping it whole.

Mr. Nyhan asked Mr. McMahon to chat with Mr. Sinnott and see what direction he feels the Beach Commission should go in.

6. New Business

A. HBAC Special Meeting – 2011 proposed event/special use fees

Mr. Nyhan discussed emails around fees at Hampton Beach. He stated there is confusion around fees. He believes a lot is heresay. He stated it's the responsibility of Concord DRED to help people understand what permitting and fee structure is about. He has contacted DRED and asked them to come to Hampton to meet with interested parties to discuss fee structure and have them discuss how it applies to Hampton Beach and how going through the formal process of special permits, and how organizations can get event fee reductions or exclusions. They agreed to come down, so he will call a special meeting for March 2nd, next Wednesday. It is a formal meeting/special meeting, open to the public and Representatives from DRED will be there and Commissioner Bald will be coming with his staff. The Board Of Selectmen, Town Manager and

Dyanna Martin will be there, along with Chamber members and Chuck Rage. It is at 9:00 a.m., in the police station training room. It will be about 2 hours and open to the public.

Mr. Housman stated it is a good idea to all meet.

Mr. Nyhan discussed Memorandums of Agreements with different organizations, for instance, between DRED and the Town of Hampton, Precinct, Chamber, etc. No money being exchanged was discussed. Mr. Nyhan has discussed this with all three organizations. Zeroing out financial burdens was discussed.

Mr. Griffin stated Mr. Welch does not believe there is a meeting on the 2nd. Mr. Griffin will talk to him about the 2nd being a meeting.

Ms. Guzman-Scanlan asked about the agenda on the 2nd. Fee structure and memorandums of understanding will be discussed. Ms. Guzman-Scanlan discussed the Memorandums of Agreement, but she thinks it will be difficult for the Chamber to participate.

B. Economic Development Strategies- March agenda

Mr. Nyhan will invite them to the March meeting. He wants round table discussion at the March meeting to discuss strategies. Please allow more time for that meeting.

C. Beach Master Plan Presentation – G. Guzman-Scanlan

Ms. Guzman-Scanlan stated that the presentation will be tabled until March. She will be prepared to make a formal presentation at that time.

D. Any other New Business

Mr. Nyhan requested that the next meeting is March 24th. He has a previous commitment on that night. He asked if the meeting could be the 23rd instead, at the same time and same place and Deputy Sawyer will check that out. As of now, it is March 23rd at 7:00.

Mr. Preston stated the Article that was discussed is very important. He also stated that the Hampton Mounted Patrol, Article 26 is important to support. If anyone would like to put a sign in their yard, they can call Mr. Preston.

8. Adjourn

MOVED by Mr. Watson to adjourn.

SECOND by Deputy Sawyer.

VOTE: 7 – 0 – 0

MOTION PASSED.

Meeting adjourned at 8:30 p.m.

Laurie Olivier
Secretary